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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Tenth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 May 1994, at 3 p.m.

Chairperson: Mr. ALSTON

later: Mr. ALVAREZ VITA

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GE.94-16697 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

1. Mr. GRISSA announced he intended to take no further part in the Committee's deliberations because, as an economist, he had a different conception of the International Covenant on Economic, Social and Cultural Rights. The other members, of whom there were many, had their points of view as jurists, and he, being alone among them, could no longer put up with the frustrations arising from that isolation.

2. With his knowledge of Africa, both north and south of the Sahara, and his long familiarity with Europe and North America, he found it not simply difficult but totally unacceptable, as far as economic rights were concerned, to judge poverty-stricken African countries by the same rigid yardstick applied to highly developed countries. To grasp the full extent of the disparity, one needed only to consider that, according to the United Nations Children's Fund (UNICEF), 220 million Africans, or half the population south of the Sahara, currently lived in absolute poverty and were incapable of satisfying their own most basic needs; or that, as described in a recent issue of Le Monde, Guinea - the country on which he was supposed to draft a concluding observation - was so cruelly lacking in the infrastructure needed to support its economy and afford normal living conditions that it gave an impression of devastation. How could one speak to the Governments of such countries about minimum wages and housing rights? They should be helped out of their absolute poverty, not asked to fulfil requirements. If the Committee did not take cognizance of reality, it could not function properly.

3. The Committee insisted on applying uniform standards to all countries. Yet laws were not absolute; they were meant to be interpreted by judges who took mitigating circumstances into consideration. Moreover, it was not that Governments were indifferent or unwilling: taking the viewpoint of the economists, wages rose as production rose, not in response to any action by Governments or trade unions. A situation must be understood in terms of what the available resources could bear in relation to the demands being made on them. Speaking from his own personal experience as the son of an ordinary man with a large family to support, he had often gone barefoot and hungry, had been put to work at the age of eight not out of heartlessness but out of necessity, had never attended regular primary or secondary school and had acquired his first pair of shoes and his first knowledge of the alphabet at the age of 16 - and that had been the lot of the overwhelming majority of indigenous Tunisians at the time. Persons living in such circumstances could not ask for better; they could not expect to get what did not exist. The question was thus not one of will but of absolute means.

4. He felt that he could no longer be an effective participant in the Committee's work. He was on good personal terms with all members. What he deplored was the Committee's indiscriminate approach, and what he was questioning was its whole philosophy. He would vacate his post so that a replacement could be elected.

The meeting was suspended at 3.40 p.m. and resumed at 4.35 p.m.

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations on Mauritius (E/C.12/1994/WP.5) (continued)

5. Mr. Alvarez Vita took the Chair.

6. Mr. SIMMA suggested that the contentious paragraph which the Committee had considered for inclusion in the text of the concluding observations on Mauritius (E/C.12/1994/WP.5) should be withdrawn in the interests of consensus.

7. It was so decided.

8. The CHAIRPERSON said that the Committee had completed its consideration of the concluding observations on Mauritius (E/C.12/1994/WP.5).

Concluding observations on the Gambia (continued)

9. The CHAIRPERSON said that the Committee had completed its consideration of the concluding observations on the Gambia.

The meeting rose at 4.40 p.m.